

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Airport
AGENDA DATE: April 30, 2013
CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña, A.A.E. 780-4793
DISTRICT(S) AFFECTED: All

SUBJECT:

Approve a Resolution authorizing the City Manager to sign a Second Amendment to the General Aviation Commercial Ground Lease between the City of El Paso ("Lessor") and TJW Aviation, LLC ("Lessee") to include a flight school and flight instruction as a permitted general aviation commercial activity for the premises located at 1776 American Drive, El Paso, Texas.

BACKGROUND / DISCUSSION:

The City of El Paso entered into a General Aviation Commercial Ground Lease effective April 1, 1982 between the Lessor and Air Parts of El Paso, Ltd. for the property municipally known and numbered as 1776 American Drive, El Paso, Texas. Effective February 25, 1997 Lessee entered into a Sublease agreement with Advanced Aircraft Services. Lessee subsequently assigned the lease, by a Lessor's Approval of Assignment on May 8, 2012, to Lessee, TJW Aviation. Lessor and Lessee now desire to amend the Lease to include a flight school as an allowed General Aviation Commercial activity on the property.

PRIOR COUNCIL ACTION:

- Council approved the General Aviation Commercial Ground Lease effective April 1, 1982 with Air Parts of El Paso, Ltd.
- Council approved a sublease to Sublessee, Advanced Aircraft Services, effective February 25, 1997
- Council approved the 1st Amendment to the General Aviation Commercial Ground Lease, with an effective date of September 1, 2008, the amendment added a ten (10) year option to extend the lease term
- On May 8, 2012, Council approved the assignment of the lease to Lessee by a Lessor's Approval of Assignment;

AMOUNT AND SOURCE OF FUNDING:


N.A. - Approval of the Second Amendment to the General Aviation Commercial Ground Lease is budget neutral

BOARD / COMMISSION ACTION:

N.A.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Monica Lombraña, A.A.E., Director of Aviation

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Second Amendment to the General Aviation Commercial Ground Lease between the City of El Paso ("Lessor") and TJW Aviation, LLC ("Lessee") to include a flight school and flight instruction as a permitted general aviation commercial activity for the premises located at 1776 American Drive, El Paso, Texas.

APPROVED this _____ day of _____ 2013.

CITY OF EL PASO

John F. Cook
Mayor


ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:



Monica Lombraña, A.A.E.
Director of Aviation

STATE OF TEXAS §
 §
COUNTY OF EL PASO § **SECOND AMENDMENT TO GENERAL
AVIATION COMMERCIAL GROUND LEASE**

This Second Amendment to the General Aviation Commercial Ground Lease (Second Amendment”) is made by and between the City of El Paso (“Lessor”) and TJW Aviation, LLC (“Lessee”) on this ____ day of _____, 2013.

WHEREAS, the City of El Paso (“Lessor”) entered into a General Aviation Commercial Ground Lease effective April 1, 1982 (“Lease”) between the Lessor and Air Parts of El Paso, Ltd. for the following described property:

Parcel 2C, being a portion of Lot 2, Block 4, El Paso International Airport Tracts, Unit 10, consisting of approximately 60,050 square feet of land, El Paso County, Texas and municipally known and numbered as 1776 American Drive, El Paso, Texas. (“Property”)

WHEREAS, effective September 1, 2008, the Lease was amended by a First Amendment to the General Aviation Commercial Ground Lease which added a ten (10) year option to extend;

WHEREAS, effective May 8, 2012, the Lease was assigned to Lessee by a Lessor’s Approval of Assignment; and

WHEREAS, Lessor and Lessee desire to amend the Lease to include a flight school as an allowed General Aviation Commercial activity on the Property which will allow a flight school,

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. That Article I Premises and Privileges, paragraph D. Definition of General Aviation Commercial Activities, is revised in its entirety to read as follows:

D. DEFINITION OF GENERAL AVIATION COMMERCIAL ACTIVITIES.

“General Aviation Commercial Activities” are hereby defined as those activities which involve the sale of aviation products and services for profit. The right granted to conduct said aviation services on the leased remises shall include and be limited to:

1. Wholesale parts and sales.
2. Aircraft sales and repair services.
3. Flight school and flight instruction.

2. **TERMS AND CONDITIONS.** All remaining terms and conditions of the Lease effective April 1, 1982, as amended by that First Amendment effective September 1, 2008 and this Second Amendment shall remain in full force and effect.

3. **EFFECTIVE DATE.** Regardless of the date of execution, this Second Amendment to the General Aviation Commercial Ground Lease shall be _____ 2013.

ADOPTED this _____ day of _____, 2013.

LESSOR: CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña
Monica Lombraña, A.A.E.
Director of Aviation

LESSOR'S ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2013,
by **Joyce A. Wilson** as **City Manager** of the **City of El Paso, Texas.** (Lessor)

My Commission Expires:


Notary Public, State of Texas

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

Printed Name: Timothy J. Wilson
Title: President and Manager

THE STATE OF TEXAS)

COUNTY OF EL PASO)



Notary Public, State of Texas

My Commission Expires: 12-29-16

